

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK

MARY VAN BRUNT-PIEHLER,

Plaintiff,

v.

ABSOLUTE SOFTWARE, INC., ABSOLUTE
SOFTWARE CORPORATION, GEOFF HAYDON,
THOMAS KENNY and TODD AWTRY,

Defendants.

Index No. 16-cv-6313(EAW) (MWP)

AMENDED VOIR DIRE INFORMATION

Pursuant to Section II of the Pretrial Order (Dkt. 257), Defendants Absolute Software, Inc., Absolute Software Corporation, Geoff Haydon, Thomas Kenny and Todd Awtry submit the following Amended Voir Dire Information.

1. NAME AND ADDRESS OF DEFENSE COUNSEL

Laura M. Lestrade
Mark S. Sullivan
Joshua R. Kornfield
Natalie Athas (Paralegal)
Vicki Obergfell (Trial Technology Specialist)
Dorsey & Whitney LLP
51 West 52nd Street
New York, NY 10019

2. NAME AND ADDRESS OF DEFENDANTS

Absolute Software Corporation
Vancouver, British Columbia, Canada
Corporate Representative:
Peter Chess
General Counsel

Absolute Software, Inc.
Austin, Texas
Corporate Representative:
Peter Chess
General Counsel

Geoff Haydon
Atlanta, Georgia

Thomas Kenny
Missoula, Montana

Todd Awtry
Tyrone, Georgia

3. LIST OF PROSPECTIVE DEFENSE WITNESSES

a. Todd Awtry

Former Vice President of North American Sales for Absolute
Tyrone, Georgia

Mr. Awtry was plaintiff's immediate supervisor from January 2013 until the termination of her employment on July 1, 2015. Mr. Awtry made the decision to terminate plaintiff's employment. Mr. Awtry is expected to provide testimony concerning plaintiff's job duties, performance, conduct, and compensation as well as his interactions with plaintiff and other employees.

b. Thomas Kenny

Former Executive Vice President and General Manager of Worldwide Sales for Absolute
Missoula, MT

Mr. Kenny was Mr. Awtry's supervisor and is expected to provide testimony concerning the organization and operations of Absolute's sales force, including the reorganization that became effective on July 1, 2015, and the hiring of individuals for the newly created sales acquisition roles. Mr. Kenny is also expected to testify about plaintiff's job duties, performance, conduct, compensation and termination.

c. Geoff Haydon

Former Chief Executive Officer of Absolute
Atlanta, Georgia

Mr. Haydon is expected to testify about his efforts as CEO to transform Absolute from a company that focused on providing goods and services to

state and local education departments and governments to one that focused on information security solutions for private enterprise clients.

d. Robert Booker

Executive Vice President, Human Resources
Vancouver, British Columbia, Canada

Mr. Booker is expected to testify concerning the demographics of Absolute's employees.

e. Leigh Ramsden

Former Director of Finance at Absolute
Vancouver, British Columbia, Canada

Mr. Ramsden is expected to testify concerning how quota attainment was credited on sales to the New York City Department of Education and the reporting of sales information at Absolute. Mr. Ramsden is also expected to testify concerning his interactions with plaintiff.

f. Art Robinson

Former Area Vice President Sales at Absolute
Norcross, Georgia

Mr. Robinson is expected to testify concerning his interactions with plaintiff, Amy Rathbun and the individual defendants.

g. David Olshanski

Senior Litigation Technology Specialist, Dorsey & Whitney LLP

Mr. Olshanski is expected to testify regarding his review of the metadata of document DEFS02735-2738 produced by Absolute to plaintiff.

h. Mary Van Brunt Piehler

Plaintiff

Ms. Piehler is expected to testify as to the claims and defenses in this case. Defendants expect to call her for live testimony but reserve the right to offer her testimony through her deposition transcript.

Deposition Witnesses

i. Daniel Berardo (testimony to be submitted via his deposition transcript)

Former Director of Human Resources at Absolute.
Vancouver, British Columbia, Canada

Mr. Berardo is expected to testify concerning the role and operation of Absolute's HR department and his conversations and communications with plaintiff regarding Todd Awtry and how quota attainment was credited on sales to the New York City Department of Education and his conversations with Todd Awtry and the reasons for the termination of plaintiff's employment..

- j. Errol Olsen** (testimony to be submitted via his deposition testimony)
Former Chief Financial Officer at Absolute
Vancouver, British Columbia

Mr. Olsen is expected to testify about conversations he had with plaintiff regarding Todd Awtry, the change in culture at Absolute following the hiring of Thomas Kenny and Todd Awtry.

- k. Amy Rathbun** (testimony to be submitted via her deposition testimony)
Former Area Vice President at Absolute.
Austin, Texas

Ms. Rathbun is expected to testify about her employment at Absolute.

- l. Chris Covell** (testimony to be submitted via deposition transcript)
Former Chief Information Officer at Absolute
Vancouver, British Columbia, Canada

Mr. Covell is expected to testify that plaintiff's email files from her email account at Absolute were preserved.

Dated: March 3, 2023

DORSEY & WHITNEY LLP

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